IN ME: PETITION FOR ZONING VARIANCE E/S Handy Avenue, 175 ft. N of Pearl Road 1107 Handy Avenue

of Pearl Road
1107 Handy Avenue
1st Election District
1st Councilmanic District
Richard E. Robinson, et ux

The Petitioners herein request a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a buildable lot with a width of 50 ft. in lieu of the minimum required 55 ft., as more particularly described on Petitioners' Exhibit No. 1.

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 91-261-A

The Petitioner, Richard E. Robinson, appeared and testified. Also appearing on behalf of the Petition were Abiodun Shonaiya and Gene Hutchinson. Appearing as Protestants were Thomas Christian Jr. and Jerome

Testimony indicated that the subject property known as 1107 Handy Avenue, lot No. 108, consists of .1722 acres +/-, zoned D.R.5.5 and is currently unimproved.

Mr. Robinson testified that approximately 10 years ago he purchased lot No. 108 and adjoining lot No. 107 and is desirous of constructing two two-story single family dwellings on each of the lots (lot No. 107 addressed in case No. 91-279-A), as indicated on Petitioners' Exhibit No.1.

Thomas Christian, Jr. testified regarding his concerns in protecting the architectural and esthetic makeup of the existing neighborhood. He requested that the required setbacks be strictly enforced.

Jerome Muston testified that he lives on lot No. 106 and that he would like the required setbacks to be strictly enforced. He essentially concurred with the concerns of Mr. Christian.

An area variance may be granted where strict application of the zon-ing regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

 whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variance was not granted. It has been established that the requirements from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular par-

cel. In addition, the variance requested will not be detrimental to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this And day of Allary 1991 that the Petition for a Zoning Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a buildable lot with a width of 50 ft. in lieu of the minimum required 55 ft., in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original

J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH/mmn cc: Peoples Counsel Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204 887-3353

February 26, 1991

Mr. and Mrs. Richard E. Robinson 3217 Carlisle Avenue Baltimore, Maryland 21216

> RE: Petition for Zoning Variance Case No. 91-261-A 1107 Handy Avenue

Dear Mr. and Mrs. Robinson:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

J. Robert Haines
Joning Commissioner

cc: Peoples Counsel
cc: Mr. James Christian, Jr.
cc: Mr. Jerome E. Huston

Baltimore County Government

Zoning Commissioner Office of Planning & Zoning 111 West Chesapeake Avenue

Towson, Maryland 21204

NOTICE OF HEARING

more County, by authority of the Zoning Act and Regulations of Baltimore

County will hold a public hearing on

the property identified herein in Room 106 of the County Office Building, la-

cated at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as

SW/S Millers Island Boulevard,

8941 Millers Island Boulevard 15th Election Cistrict

FEBRUARY 19, 1991 at 10:00 am

Variance to permit an existing

shed to be located 5 feet from the

right-of-way line of a public road in lieu of the required 25 feet and to be

located 1 ft. from a side lot line in lieu of the required 2½ ft.

J. ROBERT HAINES

Zoning Commissioner of

1120' SE of c/1 10th Street

follows: Case Number: 91-252-A

7th Cuncilmanic District

Gloria Patricia Brown

HEARING: TUESDAY.

The Zoning Commissioner of Balti-

JRH:mmn
encl.
cc: Peoples Counsel

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 26.26.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a to allow a buildable lot with a

width of 50 ft. in lieu of the minimum required 55 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Hother 19/11/2!

CIENTER NEEDS TO RESCURE THE FAMILIES. HATS INVESTED ALL EFFORTS AND RESCURE INTO THIS PROPERTY BASED CAREFORD INTO DURINGS. IF VACIALCE NOT CRANED CONTROLLY TO PUT THE DURINGS. IF VACIALCE NOT CRANED CONTROLLY TO SEE THE SERVICES HARDSHIP.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

#211

Contract Purchaser:

(Type or Print Name)

Signature

Signature

Signature

The phase All Register

(Type or Print Name)

Signature

Signature

Signature

Total Name

Signature

Total Name

Signature

Signature

Signature

Signature

Signature

City and State

Address

City or Print Name)

Address

Phone No.

Particity All 2383-929/
Phone No.

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Attorney's Telephone No.:

Address

ORDERED By The Zoning Commissioner of Baltimore County, this

OFFICE TO SHARE THE STATE OF THE STAT

ZONING DESCRIPTION

BEGINING AT A POINT ON THE EAST SIDE OF HANDY AVENUE WHICH IS 40' WIDE AT THE DISTANCE OF 162.5 NORTH OF THE CENTER LINE OF THE NEAREST IMPROVED INTERSECTING STREET BEING PEARL RD WHICH IS 25' WIDE. BEING LOT #108 IN THE SUBDIVISION OF DOUGLAS PARK AS RECORDED IN BALTIMORE COUNTY PLAT BOOK #7, FOLIO #170, CONTAINING 7,500 SQ FT (0.1722 ACRES). ALSO KNOWN AS 1107 HANDY AVE AND LOCATED IN THE # ELECTION DISTRICT.

71-26/-1

CERTIFICATE OF POSTING 9/-24/- H
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towner, Maryland

17 Avenue	Date of Posting for recease 21, 19
red for: Richard See	Robinson it up
ation of property: E. S. Handy 6	Robinson et sep Creme, 175 11 of Pearl Road
ation of Signe Fast wide of	Handy Unince in front of 1167
narks:	
sted by Signature	Date of return facility 200, 1991

CERTIFICATE OF PUBLICATION

NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, lo-cated at 111 W. Chesapeake Avnue in Towson, Maryland 21204 as follows: s tollows: Case number: 91-262-A SW S Millers Island Boule-yard, 1120 SE of c1 10th Sireer 9941 Millers Island Boulevard 15th Election District 7th Councilmanic Petitioner(s): Gloria Patricia Brown Hearing Date: Tuesday. Feb. 19, 1991 at 10:00 a.m. Variance: to permit an existing shed to be located 5 feet from the right-of-way line of a public road in lieu of the required 25 feet and to be located 1 ft. from a side lot g in lieu of the required 2 1/2 ft J. ROBERT HAINES

THE JEFFERSONIAN,

5. Refe Orlan

\$37.52

CERTIFICATE OF PUBLICATION

OFFICE OF

Dundalk Eagle

4 N. Center Place P. O. Box 8936 Dundalk, Md. 21222

January 17,

THIS IS TO CERTIFY, that the annexed advertisement of Baltimore County Zoning Office - Case #91-262-AP.O. #0110247 - Req. #M46322 - 60 lines @ \$30.00

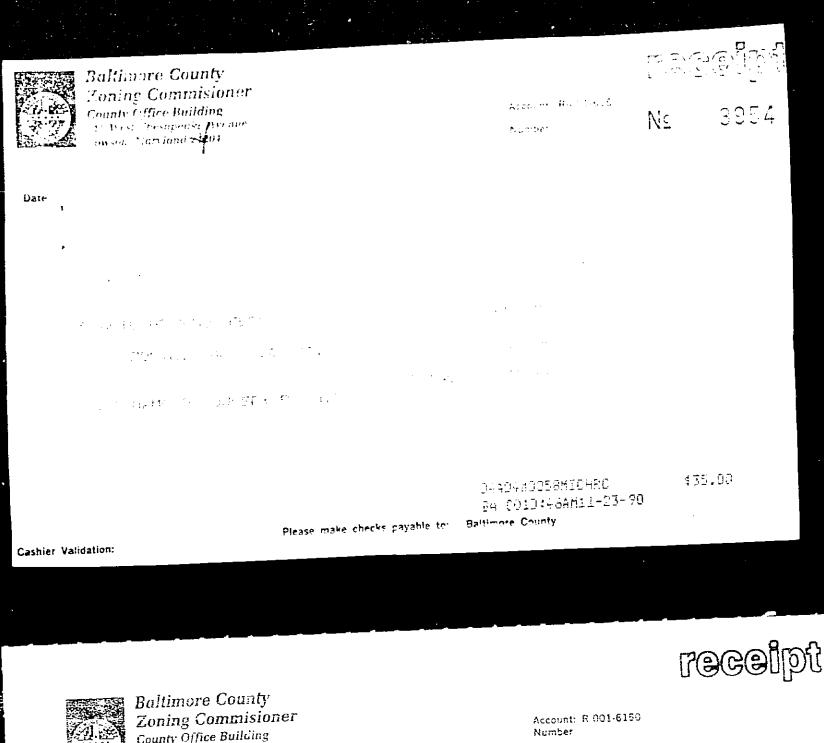
was inserted in **The Dundalk Eagle** a weekly newspaper published in Baltimore County, Maryland, once a week for One successive weeks before the

18th day of January 1991; that is to say,

the same was inserted in the issues of January 17, 1991

Kimbel Publication, Inc.

per Publisher Cintuil Alke



Account: R 001-6150

Zoning Commisioner

County Office Building 111 West Chesapeake Avenue

Towson, Maryland 21204

DATE: 1 29 91 Mr. & Mrs. Richard E. Robinson 3217 Carlisle Avenue Baltimore, Maryland 21216 Case Number: 91-261-A E/S Handy Avenue, 175' N of Pearl Road 1107 Handy Avenue 1st Election District - 1st Councilmanic Petitioner(s): Richard E. Robinson, et ux HEARING: FRIDAY, FEBRUARY 15, 1991 at 2:00 p.m. Dear Petitioner(s): Please be advised that \$78.07 is due for advertising and posting of the above cuptioned property. THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin. ZONING COMMISSIONER BALTIMORE COUNTY, MARYLAND

Baltimore County Government

Zoning Commissioner

Office of Planning and Zoning

111 West Chesapeake Avenue

Towson, MD 21204

NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows: Case Number: 91-261-A E/S Handy Avenue, 175' N of Pearl Road 1107 Handy Avenue 1st Election District - 1st Councilmanic Petitioner(s): Richard E. Robinson, et ux HEARING: FRIDAY, FEBRUARY 15, 1991 at 2:00 p.m. Variance to allow a buildable lot with a width of 50 ft. in lieu of the minimum required 55 ft. Zoning Commissioner of Baltimore County cc: Richard E. Robinson, et ux

111 West Chesapeake Avenue

Towson, MD 21204

January 8, 1991

Baltimore County Government Zoning Commissioner Office of Planning and Zoning 887-3353 111 West Chesapeake Avenue Towson, MD 21204 Your petition has been received and accepted for filing this 19th day of December, 1990. ZONING COMMISSIONER Received By:

Petitioner: Richard E. Robinson

Petitioner's Attorney:

Please Make Checks Payable To: Faitimore County [1985] [1985]

Office of Planning at 887-3211.

PK/JL/cmm ITEM217/ZAC1

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE DATE: January 25, 1991 J. Robert Haines Zoning Commissioner Pat Keller, Deputy Director Office of Planning and Zoning SUBJECT: Richard E. Robinson, Item No. 217 The petitioner is requesting a Variance to permit a 50 ft. width in lieu of the minimum 55 ft. required. Staff has the following comments on the above request: In instances such as these, staff's primary concerns are: 1. What is the impact on adjoining property? 2. Are adequate front, side and rear yard setbacks being provided on the site? 3. Will the reduced lot sizes result in requests for additional variances when subsequent lot owners try to build unsuitable homes on the lots or expand homes into required areas? Based upon the information provided and analysis conducted, staff recommends that if the request is granted, the following conditions be attached: - All building setback lines (front, side, rear) shall be shown on the site plan and recorded by the applicant on the deed of record. Furthermore, a statement shall be attached to the site plan which clearly states that all development shall conform to the setbacks as shown and additional variances shall not be granted for setbacks on the subject - Any applications for building permits shall include a copy of the site plan and the commissioner's "Findings of Fact and Conclusion of Law," provided by the applicant. If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the

Bultimene County Government Department of Fublic Works Bureau of Frattic Engineering 887-3551 and Basics Avenue Santo at 5 Fax 887-578+ The Assert MID MID: January 8, 1991 Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204 Dear Mr. Haines: The Bureau of Traffic Engineering has no comments for items number 216, 217, 218, 220, 223, 227 and 229. Very truly yours, Rahee J. Famili Traffic Engineer II RJF/lvd

Baltimore County Government

887-3353

Zoning Commissioner

Office of Planning and Zoning

Baltimore County Fire Department 700 East Joppa Road, Suite 901 Towson, Maryland 21204-5500 (301) 887-4500 DECEMBER 13, 1990 Paul H. Reineke J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204 #1107 HANUY AVENUE Location: Item Mo.:

RE: Froperty Cwner: PICHARD F. FOBINSON

Zoning Agenda: DECEMBER 18, 1990 Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

Baltimore County Government

Zoning Commissioner

TH West Chesapeake Avenue

3217 Carisle Avenue Baltimore, MD 21216

Dear Mr. & Mrs. Robinson:

requested zoning.

scheduled accordingly.

Enclosures

Mr. & Mrs. Richard E. Robinson

Towson, MD 21204

Office of Planning and Zoning

February 6, 1991

RE: Item No. 217, Case No. 91-261-A

Petition for Zoning Variance

The Zoning Plans Advisory Committee has reviewed the plans submitted

with the above referenced petition. The following comments are not

intended to indicate the appropriateness of the zoning action

requested, but to assure that all parties are made aware of plans or

problems with regard to the development plans that may have a bearing

on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If

similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative

will be placed in the hearing file. This petition was accepted for

filing on the date of the enclosed filing certificate and a hearing

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO

MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS

REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Petitioner: Richard E. Robinson, et ux

Zoning Plans Advisory Committee

887-3353

7. The Fire Prevention Eureau las no comments at this time.

Flannang Group Approved Fire Frevention Bureau Special Inspection Division

JK/KEK



ZORNE OFFICE

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INTER-OF	RE COUNTY. MARYLAND FICE CORRESPONDENCE CEMBER 11, 1990							
TO: J. ROBERT HAINES,	ZONING COMMISSIONER, DEPARTMENT ZONING							
FROM: CHARLES E. BURNHAM PERMITS & LICENSES	, PLANS REVIEW CHIEF, DEPARTMENT OF						•	4
SUBJECT: ZONING I PROPERTY LOCATION	TTEM #: 217 Y OWNER: Richard E. Robinson, et ux E/S Handy Avenue 175' of Pearl Road N: (#1107 Handy Avenue)	· ·	TITLE TO BE TO A COMMON TO A C	The secondary of the Property of the French Control of the French	p h 🐮 E			
ELECTION COUNCIL	N DISTRICT: ^{1st} MANIC DISTRICT: _{1st}			Committee (IATE: Descri			, .	
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	ABIODUN SHONAIYA	BOX 4644, BALT. MD 2	1212					
	LENE - LE COLLEGE	<u> 2024 </u>		5			HARRIS	STOWN RD.
					DOUGLAS PARK		No.	BR
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				BM		SCALE		OCATION S

NG

AVENUED HORTH VICINITY MAP 1'-1000'

VAT: 130' WIDE ASPHALT PAYING

PENTURE ENTRANCE DELECT.

COMO. CLURO 11 PAYING POR SO ELECT.

BOX DELECT.

COMO. CLURO 11 PAYING POR SO ELECT.

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2) ELEVATION'S AS SHOWN HEREON ARE BASED ON BALTIMORE COUNTY BENCH-MARK 16642, ELEVATION = 533.06 FEET, LOCATED ON THE SOUTH SIDE ROUTE 40.

3) DEED REFERENCE: RICHARD E. ROBINSON WIFE, LIBER 6043 FOLIO 855, 6-23-79

4) PLAT REFERENCE: LOTS 107 108, PLAT OF "DOUGLAS PARK", PLAT BOOK 7, FOLIO 170

SHEET

1 - G

CATONSVILLE

i" = 200' ±

DATE

PHOTOGRAPHY

JANUARY 1986

#117

PLAT TO ACCOMPANY PETITION FOR

ZONING VARIANCE

PROPERTY ADDRESS: 1107 HANDY AVE. / SUBDIVISION: DOUGLAS PARK
PLAT BOOK # 7, FOLIO # 170, LOT # 108, SECTION #

OWNER: BICHARD E. ROBINSON AND WIFE.

COUNCILMATIC DISTRICT: \ST

COUNCILMATIC DISTRICT: \ST

I"= 200' SCALE MAP #: SW 1G \SQUARE \SQUARE \SQUARE

ZONING: DR. 5.5, PRIOR ZONING HEARINGS: NONE

LOT SIZE: 0.1722 ACRES 7,500 SQ FT

GEWER: PUBLIC WATER! PUBLIC CHECADEAUE FAX CREATERINGS

Received for Record Oct 28 1924at 3 5m w. P. C. No. — folio DOUGLAS PARK

N. P. C. No. — folio by
One of the ___ Records of
Baltimore County and examined, per

Clerk SCALE, 100 FT PER IN Thos. H. Disney, Surveyor April, 1924 Pearl 23 22

DATE OF PHOTOGRAPHY JANUARY 1986

ORE COUNTY ANNING AND ZONING RAPHIC MAP

CATONSVILLE 91-261-A